United Nations A/CONF.199/PC/L.3

General Assembly

Distr.: Limited
9 May 2002

Original: English

Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development
Fourth session
Bali, Indonesia, 27 May-7 June 2002

Vice-Chairpersons' paper on an institutional framework for sustainable development

Note by the Secretariat*

At the third session of the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, Mr. Ositadinma Anaedu and Mr. Lars-Göran Engfeldt, Vice-Chairpersons of the Commission acting as the preparatory committee, prepared a draft paper on an institutional framework for sustainable development for further deliberations at the fourth session of the Commission acting as the preparatory committee. The text appears as an annex to the present note.

* The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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Annex

Institutional framework for sustainable development

Introduction

1. Ensuring an effective institutional framework for sustainable development at all levels is key to the realization of the goals of sustainable development. To achieve these goals and to meet the emerging challenges, the sustainable development governance architecture needs to be strengthened at the international, regional and national levels, as these are inextricably linked and mutually interdependent. There is a clear need to enhance the responsiveness of the current institutional arrangements for the full implementation of Agenda 21,[a] bearing in mind all relevant principles, including, in particular, the principle of common but differentiated responsibilities of States.

Objectives

2. Measures to strengthen sustainable development governance at all levels should be taken within the framework of Agenda 21and build on developments since the United Nations Conference on Environment and Development and focus, inter alia, on the following objectives:

(a) Ensuring coherence and policy integration in the economic, social and environmental fields;

(b) Strengthening implementation, monitoring and accountability;

(c) Limiting overlap or duplication of activities, including within the various parts of the United Nations system, based on their terms of reference and comparative advantages;

(d) Enhancing transparency and participation;

(e) Strengthening national and local capacities for, and commitments to, sustainable development and its preconditions;

(f) Facilitating the integrated and coordinated implementation of the millennium development goals, and the outcomes of the International Conference on Financing for Development and the World Summit on Sustainable Development;

(g) Promoting effective arrangements and mechanisms that integrate in a balanced manner the three dimensions of sustainable development, namely, the economic, the social and the environmental;

(h) Promoting horizontal and vertical coherence and consistency in policy formulation and implementation as well as effective coordination at all levels;

(i) Promoting transparency and effective involvement and accountability of all relevant parts of government and of civil society in the implementation of Agenda 21 and sustainable development decision-making;

(j) Strengthening institutional mechanisms dealing with effective policy formulation, coordination, implementation and review as well as reinforcing interlinkages among these mechanisms;

(k) Addressing the constraints within developing countries on implementing sustainable development in the areas of financing, technology and capacity-building, through, inter alia, the implementation of projects by the United Nations system, and based on their national priorities;

(l) Strengthening regional and subregional capacities for sustainable development.

Strengthening the institutional framework for sustainable development at the international level

3. The international community should recommit to the goals of sustainable development as reflected in Agenda 21 and the outcomes of the World Summit on Sustainable Development in respect of policy development and implementation. In this context, the international community should:

(a) Integrate long-term sustainable development goals, as well as support for implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development, into policies, country frameworks, work programmes and operational guidelines of relevant United Nations agencies and the international financial and trade institutions within their mandates, while ensuring that their activities are consistent with, and respond effectively to, the sustainable development goals and priorities of developing countries and countries with economies in transition;

(b) Urge the international financial organizations to ensure that their macroeconomic policies and structural reforms take full account, and are supportive, of sustainable development objectives and priorities, including those of developing countries, so as to avoid adverse effects on the environment and social development;

(c) Take concrete steps towards ensuring that decision-making processes of international finance and trade institutions are open, transparent, equitable, rule-based, predictable and non-discriminatory, take into account the need for special and differential treatment of developing countries, and provide for more effective participation of all member countries, inter alia, through enhancing the capacity of member developing countries and member countries with economies in transition to effectively participate in trade negotiations, as provided for in the Ministerial Declaration of the Fourth Ministerial Conference of the World Trade Organization (A/C.2/56/7, annex), held at Doha from 9 to 13 November 2001, as well as facilitating the contributions of civil society to, and its participation in, the work of the World Trade Organization;

(d) Promote a better understanding, inter alia, through policy dialogue, of the links among trade/finance, environment and social development and thereby a better appreciation of their implications for implementation of sustainable development at the national level, and promote initiatives to ensure coherence between the rules of the multilateral trading system and the rules of multilateral environmental agreements consistent with and in support of the work programme agreed through the World Trade Organization;

(e) Strengthen collaboration among the United Nations system, international financial institutions (including the Global Environment Facility (GEF)) and the World Trade Organization at the international policy level, and regionally, as well as

at the operational level, inter alia, through specific action-oriented partnerships and networks, ensuring that all aspects of sustainable development are addressed, and support in particular developing countries' efforts in implementing Agenda 21 and the outcomes of the World Summit on Sustainable Development;

(f) Invite the GEF to take further part in financing not only the projects with global environmental benefits but also the projects that address domestic environmental benefits within the context of sustainable development;

(g) Increase the level of resources of the funds established within the multilateral environmental agreements after the United Nations Conference on Environment and Development, along with enhanced delivery mechanisms to make those resources available to developing countries in an expeditious way;

(Para. 3 (f) and (g) require further consultation.)

(h) Strengthen and better integrate the social dimension in sustainable development policies and programmes, as well as ensure that sustainable development objectives are fully integrated in policies and programmes of bodies that have a primary focus on social issues;

(i) Implement the outcomes of the seventh special session of the Governing Council of the United Nations Environment Programme (UNEP)/Global Ministerial Environment Forum international environment governance process (see A/CONF.199/PC/3, annex) and consider making membership of UNEP Governing Council/Global Ministerial Environment Forum universal;

(j) Develop a collaborative partnership among the United Nations, agencies and organizations of the United Nations system, financial institutions and the World Trade Organization to support implementation of sustainable development, as described in paragraphs 12 and 13 below;

(Para. 3 (i) and (j) require further consultation.)

(k) Engage actively and constructively in ensuring the timely completion of the negotiations on a comprehensive United Nations convention against corruption as well as in the work on existing conventions, including extending their membership, as appropriate;

(Para. 3 (k), which has been moved from the section on globalization in the Chairman's paper, requires further consultation.)

(l) Develop a framework for transnational corporation accountability.

(Para. 3 (l) requires further clarification and consultation.)

Role of the General Assembly

4. The General Assembly, as the principal organ of the United Nations, should adopt sustainable development as a key element of the overarching framework for United Nations development activities, particularly for achieving the internationally agreed development goals including the development goals contained in the United Nations Millennium Declaration[b] and give overall political direction to the implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and ensure that their implementation is regularly reviewed.

5. The General Assembly is invited to consider moving social issues covered under the agenda item entitled "Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly" from its Third to its Second Committee as a step towards making the Second Committee a sustainable development committee.

(Para. 5 requires further consultation.)

Role of the Economic and Social Council

6. The role of the Economic and Social Council in promoting sustainable development and in promoting overall system-wide coordination and coherence in this regard, as stipulated in Agenda 21 and pursuant to General Assembly resolution 50/227, should be strengthened through the following measures:

(a) Ensuring that the high-level segments of the Economic and Social Council take due account of sustainable development objectives, inter alia, through periodic consideration of major cross-cutting sustainable development themes. Recommendations in regard to such themes could be made by the Commission on Sustainable Development or other relevant bodies within the system, in consultation with the Commission;

(b) Holding the high-level and coordination segments of the Economic and Social Council back to back every three years with a common theme on the implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development, particularly those related to the necessary means of implementation for developing countries;

(c) Ensuring that the coordination and operational activities segments of the Economic and Social Council adequately take into account all relevant aspects of the work of the United Nations system on sustainable development, based on proposals by member States, and recommendations in the reports of the Secretary-General as well as in the reports of the Council's subsidiary bodies and the Executive Boards of the United Nations funds and programmes;

(d) Promoting greater complementarity, policy coordination and coherence of those activities of the functional commissions of the Economic and Social Council and its other subsidiary bodies that are relevant to sustainable development and implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development. To that end, the Council should consider:

(i) Inviting its functional commissions[c] and expert bodies[d] to transmit to the Commission on Sustainable Development those parts of their reports that are closely related to items in the agenda of the Commission;

(ii) Organizing a sustainable development segment within the existing substantive session of the Economic and Social Council where it would consider the report of the Commission on Sustainable Development along with relevant parts of the reports of its other subsidiary bodies and give guidance on their future activities;

(iii) Deciding that the expert bodies of the Economic and Social Council whose mandates are closely related to sustainable development and implementation of Agenda 21 and the outcomes of the World Summit on

Sustainable Development would submit their reports through the Commission on Sustainable Development to the Council so that their recommendations would receive the due consideration and comment of the Commission prior to the consideration of the Council;

(iv) Terminating the work of the Committee on Energy and Natural Resources for Development and transferring its work to the Commission on Sustainable Development;

(Para. 6 (a), (b), (c) and (d) require further clarification and consultation.)

(e) Ensuring that the role of the Economic and Social Council in the arrangements to follow up the Monterrey Consensus (A/CONF.198/3, annex) in partnership with the World Bank and the International Monetary Fund (IMF) as well as the World Trade Organization is closely linked with its follow-up of the Johannesburg Summit outcomes, including the monitoring of pledges that developed countries made at the Monterrey Conference. In particular, the special high-level meetings of the Council with the Bretton Woods institutions should be further developed in line with the Monterrey Consensus (para. 69 (b)) and the Johannesburg Summit outcomes in the broader context of the implementation of Agenda 21, the Johannesburg Summit outcomes and the internationally agreed development goals including those contained in the United Nations Millennium Declaration.

Role and function of the Commission on Sustainable Development

7. The Commission on Sustainable Development should continue to be the central high-level body within the United Nations system on sustainable development and serve as a forum for consideration of issues related to the interface and interlinkages between the three dimensions of sustainable development. While the role, functions and mandate of the Commission as set out in General Assembly resolution 47/191 continue to be relevant, the Commission needs to be strengthened to improve the effectiveness of international sustainable development governance, and its future operations and working modalities will need to be modified in the context of the foregoing considerations. An enhanced role of the Commission should include monitoring of the agreements as well as fostering coordination of the programmes and partnerships emanating from implementation of Agenda 21 and the Johannesburg Summit at the international level. Consideration could be given to making the membership of the Commission universal.

(The last sentence of para. 7 requires further consultation.)

8. Within this context, the Commission on Sustainable Development should place more emphasis on actions that enable implementation at all levels including promoting and facilitating partnerships involving Governments, international organizations and relevant stakeholders for the implementation of sustainable development. The Commission should also maintain and strengthen its key role in policy formulation, fostering policy coordination and integration within the United Nations system of the issues of economic development, social development and environmental protection in a balanced manner, as they are interdependent and mutually reinforcing dimensions of sustainable development.

9. In relation to its policy formulation role, the Commission on Sustainable Development should:

(a) Provide a forum for better integration of policies through interaction among ministers dealing with the various dimensions and sectors of sustainable development through the high-level segments;

(b) Focus on new or emerging issues related to sustainable development, within the framework of the implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development;

(c) Focus on the cross-sectoral aspects of specific sectoral issues as they relate to implementation of sustainable development;

(d) In relation to the above, build on the work of other institutions and structures that have the mandate for specific sectoral issues and, as required, collaborate with those institutions in undertaking in-depth consideration of those issues;

(e) Reduce the frequency of the preparation of negotiated decisions and, in the intervening periods, focus on actions related to implementation of previously negotiated agreements, initiatives and partnerships.

10. In relation to its role of facilitating implementation, the Commission on Sustainable Development should emphasize the following:

(a) Review of progress in implementation, and promotion of further implementation, of agreements, commitments and partnerships that have been launched as part of the implementation and under the auspices of the World Summit on Social Development and the Commission on Sustainable Development, as well as other related partnerships, including identification of factors affecting lack of progress in implementation, and taking of appropriate decisions aimed at overcoming these factors;

(b) Review of issues related to financial assistance and transfer of technology for sustainable development as well as capacity-building. In relation to capacity-building, the Commission on Sustainable Development should encourage exchange of experience with respect to strengthening national and regional sustainable development governance;

(c) Analysis and exchange of experience on measures that assist sustainable development planning, decision-making, implementation etc. such as sustainable development strategies, environmental, social and economic impact analysis methods and use of indicators and geographical information systems. In this regard, the Commission on Sustainable Development could give consideration to more effective use of national reports and regional reviews;

(d) Periodic consideration of significant legal developments related to sustainable development.

(Para. 10 (d) requires further clarification and consultation.)

11. In relation to policy coordination as well as stakeholder involvement and the building of partnerships, the Commission on Sustainable Development should:

(a) Provide at the international level a primary meeting point for Governments, international organizations and stakeholder interests relevant to sustainable development. For Commission on Sustainable Development meetings that are focused on practical experience of implementation, Governments,

international organizations and stakeholders should be encouraged to include in their delegations experts experienced in implementation of the issues under consideration;

(b) Give greater consideration to the scientific contributions to sustainable development, through, for example, drawing on the scientific advice of specialist organizations, encouraging countries to include scientists in their delegations and encouraging national academy of sciences and international and regional scientific networks to be involved in the work of the Commission on Sustainable Development.

Role of international institutions

12. The collaborative partnership among the United Nations, agencies and organizations of the United Nations system, international financial institutions and the World Trade Organization called for in paragraph 3 (j) above should:

(a) Ensure effective and collective support to the implementation of sustainable development at all levels;

(b) Secure coherence in the approaches of international institutions to implementation of Agenda 21, the outcomes of the World Summit on Sustainable Development, relevant sustainable development aspects of the United Nations Millennium Declaration, the Monterrey Consensus, and the outcomes of the Fourth Ministerial Conference of the World Trade Organization;

(c) Ensure that sustainable development objectives are further incorporated in the work of international organizations, funds, programmes and financial institutions.

13. This collaborative partnership should operate as a high-level inter-agency coordinating arrangement on sustainable development that would include the principal United Nations agencies and institutions dealing with sustainable development, the international financial institutions and the World Trade Organization, and that will keep the Economic and Social Council and the Commission on Sustainable Development fully informed on the actions it is taking to implement Agenda 21 and the outcomes of the World Summit on Sustainable Development.

(Paras. 12 and 13 require further consultation.)

14. To promote effective implementation of sustainable development at the international level, the following is also required:

(a) Streamline the international sustainable development meeting calendar so as to reduce the number of meetings, reduce the length of meetings, and reduce the amount of time of meetings spent on negotiated outcomes in favour of spending more time on practical matters related to implementation; and organize meetings back to back and side to side, where appropriate;

(b) Integrate, as appropriate, programmatic initiatives of the Johannesburg Summit across sectoral institutions and ensure the involvement of the relevant elements of civil society and the private sector. In this context, establish modalities to follow up the new partnership arrangements included as part of the Johannesburg outcome. Participation of major groups in this context should be enhanced;

(c) Make full use of developments in the field of information and communication technologies (ICT).

15. The principle of non-discrimination among major multilateral environmental agreements should be fully taken into account in any structural reform aiming at strengthening international sustainable development governance and institutional arrangements. In this regard, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa,[9] like other conventions emanating from the United Nations Conference on Environment and Development, should have dedicated a specific and permanent financial mechanism. In this context, the international community should:

(a) Commit to designate the GEF as the permanent financial mechanism of the Convention. In this regard, the GEF Second Assembly, to be held in October 2002, and the sixth session of the Conference of the Parties to the Convention should take the necessary measures to this effect;

(b) Invite the GEF Assembly to respond positively and effectively to the demands arising from the Johannesburg Summit, bearing in mind that financing sustainable development requires substantial increase in the next replenishment of the GEF.

(Para. 15 requires further clarification and consultation.)

16. Strengthening of international arrangements for sustainable development governance will be an evolutionary process. The international system needs to keep under review relevant arrangements, identify gaps, eliminate duplication of functions and continue to strive for greater coherence and integration of the economic, social and environmental dimensions of sustainable development.

Strengthening the institutional framework for sustainable development at the regional level

17. Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and sustainable development needs to be effectively pursued at the regional and subregional levels through the regional commissions as well as other regional and subregional bodies, and other groupings of countries with common interests, including relevant transregional bodies. In this regard and based on the actions outlined below, the regional and subregional levels should be much more involved in preparations for, and in providing inputs to, meetings and activities of the Commission on Sustainable Development.

18. Intraregional coordination and cooperation on sustainable development should be improved among the regional commissions, United Nations funds, United Nations agencies, regional development banks, and subregional and other bodies, and regional sustainable development strategies and action plans that reflect regional priorities should be developed or enhanced.

19. In particular, and taking into account relevant provisions of Agenda 21, the regional commissions in collaboration with other regional and subregional bodies should:

(a) Promote the integration of the three dimensions of sustainable development into their work, in a balanced way. In this regard the capacity of the regional commissions to support implementation of Agenda 21, the outcomes of the World Summit on Sustainable Development and other aspects of sustainable development should be enhanced;

(b) Facilitate and promote the integration of the economic, social and environmental dimensions of sustainable development into the work of regional, subregional and other bodies as well as national bodies, for example, by providing forums for exchange of experience, good practice, case studies and partnership experience related to implementation of sustainable development policies and initiatives;

(c) Mobilize technical and financial assistance for the implementation of regionally and subregionally agreed programmes and projects and contribute to the provision of support to countries that lack adequate access to capital markets, and countries where poverty remains a challenge;

(d) Consider establishing regional or subregional processes or changes to existing processes by which national reports on implementation of Agenda 21 and national sustainable development strategies are mutually reviewed and analysed, and experiences are shared;

(e) Actively encourage new partnerships to tackle sustainable development challenges in the region and subregions and develop open and transparent dialogue processes with multi-stakeholder groups in a manner consistent with the practice of the Commission on Sustainable Development.

20. The sustainability dimension of bilateral and, regional and subregional programme agreements should be strengthened by including a commitment to sustainable development and establishing a dialogue to enable exchange of best practices as appropriate.

21. Regionally and subregionally agreed development programmes promoting sustainable development by the international community, for example, the New Partnership for Africa's Development (NEPAD) and the Programme of Action for the Sustainable Development of Small Island Developing States,[f] should be supported.

Strengthening the institutional framework for sustainable development at the national level

22. Promotion of coherent and coordinated approaches to sustainable development governance at the national and local levels should continue, as this provides an important element for promoting cooperation and achieving coherence and consistency at regional and international levels. The establishment or strengthening of existing authorities and mechanisms necessary for policy-making, coordination and enforcement should also be promoted.

23. All countries should ensure that they have national sustainable development strategies in place by 2005, at the latest. Countries should also adopt and implement legislation in areas related to sustainable development, as appropriate.

24. National sustainable development councils or equivalent bodies should, where possible, be established or enhanced, if they exist, by all countries in order to provide a high-level national focus on sustainable development policy development and implementation, including national sustainable development strategy processes, and to emphasize equitable multi-stakeholder participation at all stages in implementing sustainable development. Such bodies should facilitate the dialogue between relevant government ministers and representatives of major groups and other stakeholders. National sustainable development councils should be composed of relevant government ministers and representatives of major groups and other stakeholders.

25. Policy coherence between, and integration of, national and local sustainable development strategies and other development frameworks, including, where applicable, poverty reduction strategies, should be ensured.

26. All Governments should promote sustainable development at the national level. Nevertheless, there is a need to strengthen the role of the international system in supporting capacity-building for sustainable development governance at the national levels. The international community should therefore:

(a) Enhance the support of the organizations of the United Nations system for national efforts in building sustainable development, inter alia, by ensuring that all aspects of sustainable development are adequately addressed in the United Nations Development Group and the United Nations Development Assistance Framework;

(b) Ensure that the United Nations system supports measures to improve national sustainable development plans/strategies of developing countries and countries with economies in transition incorporating social, economic and environmental policies as relevant and ensuring full ownership and leadership by countries;

(c) Ensure better integration of considerations related to environmental protection and sustainable management of natural resources in poverty reduction strategies as a tool to promote sustainable development.

27. Efforts by developing countries, as well as countries with economies in transition, to enhance national governance arrangements for sustainable development should be complemented through undertakings by the international community in support of new or enhanced national governance capacity-building programmes related to sustainable development, inter alia, through:

(a) Cross-sectoral approaches to formulating national strategies and plans for sustainable development;

(b) Participatory multi-stakeholder approaches to dialogue and planning, including a gender perspective;

(c) Policy analysis and management capacity, including multisectoral and interdisciplinary analysis of economic, social and environmental policy issues, and the use of multidimensional planning and assessment approaches and tools, including environmental assessment;

(d) Negotiation and implementation capacity, for enhancing effective participation in international environmental and economic agreements and instruments;

(e) Aid coordination and management capacity, including capacity to efficiently and effectively manage programme and sector-wide approaches;

(f) Capacity development in monitoring.

28. Relevant United Nations Development Programme (UNDP) programmes as key mechanisms for supporting national sustainable development capacity-building efforts should be significantly strengthened. Multi- and bilateral development cooperation agencies should continue to play an active role in supporting developing countries in the development and implementation of national sustainable development strategies.

29. There should be an enhancement of the role and capacity of local governments and stakeholders in implementing sustainable development, including appropriate decentralization of responsibilities and institutions, local decision-making processes, and local ownership of resources and continuing support for Local Agenda 21 programmes and other subnational sustainable development strategies and partnerships.

30. The use of indicators for sustainable development, suited to country-specific conditions, and to be employed at the national level on a voluntary basis, should be supported.

Participation of major groups

31. Partnerships should be enhanced between governmental and non-governmental actors, including all major groups as well as volunteer groups, on programmes and activities for the achievement of sustainable development at all levels, particularly at the national and subnational levels.

32. Global multilateral guidelines should be developed on public access to information, and public participation in decision-making and access to justice, drawing on existing experience, including regional initiatives designed to implement principle 10 of the Rio Declaration on Environment and Development.[8]

33. The importance of the interrelationship between human rights promotion and protection and environmental protection for sustainable development should be acknowledged and further consideration of these issues in the relevant forums should be encouraged, inter alia, through continued cooperation between UNEP and the Office of the United Nations High Commissioner for Human Rights.

(Paras. 32 and 33 require further clarification and consultation.)

Notes

[a] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[b] See General Assembly resolution 55/2.

[c] Statistical Commission; Commission on Population and Development; Commission for Social Development; Commission on the Status of Women; and Commission on Science and Technology for Development.

[d] Committee for Development Policy.

[e] United Nations, *Treaty Series*, vol. 1954, No. 33480.

[f] *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994* (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I, resolution 1, annex II.

[g] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.